

Derek W. Loeser (admitted *pro hac vice*)  
KELLER ROHRBACK L.L.P.  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
Tel.: (206) 623-1900  
Fax: (206) 623-3384  
dloeser@kellerrohrback.com

Orin Snyder (admitted *pro hac vice*)  
GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue  
New York, NY 10166-0193  
Tel.: 212.351.4000  
Fax: 212.351.4035  
osnyder@gibsondunn.com

Lesley E. Weaver (SBN 191305)  
BLEICHMAR FONTI & AULD LLP  
555 12th Street, Suite 1600  
Oakland, CA 94607  
Tel.: (415) 445-4003  
Fax: (415) 445-4020  
lweaver@bfalaw.com

Joshua S. Lipshutz (SBN 242557)  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Tel.: 202.955.8500  
Fax: 202.467.0539  
jlipshutz@gibsondunn.com

*Plaintiffs' Co-Lead Counsel*  
*Additional counsel listed on signature page*

*Attorneys for Defendant Facebook, Inc.*  
*Additional counsel listed on signature page*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION

MDL No. 2843  
Case No. 18-md-02843-VC-JSC

This document relates to:

ALL ACTIONS

**JOINT STATUS UPDATE**

Judges: Hon. Vince Chhabria and  
Hon. Jacqueline Scott Corley  
Courtroom: VIA VIDEOCONFERENCE  
Hearing Date: June 19, 2020  
Hearing Time: 9:00 a.m.

The parties respectfully submit this Joint Status Update in advance of the Court's discovery conference scheduled for June 19, 2020 at 9:00 a.m. Since the last hearing before the Court, the parties have made additional progress on the items identified in the Court's May 29 Order (Dkt. 453) as described below.

**1. Search Term Protocol:** As previously reported, the parties reached agreement on a search term protocol and schedule for the negotiation of search terms. The parties submitted this protocol to the Court on June 5, 2020 in the form of a joint stipulation and proposed order. (Dkt. 455.) Since that time, Facebook has been conducting custodial interviews and disclosed information related to potential custodial data sources for the first group of custodians identified in the joint stipulation according to the parties' agreed-upon schedule. Plaintiffs are ready to engage with Facebook in the discussion of search terms as set forth in the protocol.

**2. Privilege Log Protocol:** Following extensive meet and confer sessions, the parties reached agreement on a privilege log protocol. The parties are submitting this protocol to the Court in the form of a joint stipulation and proposed order concurrently with this filing.

**3. Document Productions:** Facebook has continued to make rolling document productions, and will respond to Plaintiffs' third set of document requests tomorrow (June 19, 2020). Plaintiffs, in turn, have completed their first level review of Facebook's April 1 document production, with the exception of certain documents affected by a production defect, which Facebook is working to correct within the next two weeks.

**Agenda:** The parties agree to meet and confer about the following topics over the next several weeks and propose a hearing in the next several weeks to resolve any outstanding issues related to these topics.

**a. Plaintiffs' Document Productions:** Facebook served its first set of Requests for Production on April 3. Plaintiffs timely served responses and objections to these requests on May 18. Facebook wishes to meet and confer with Plaintiffs regarding Plaintiffs' responses and objections to its requests, Plaintiffs' sources of ESI, and a deadline for

Plaintiffs to begin their document productions. Plaintiffs have been conducting custodial interviews and are prepared to discuss these issues. Plaintiffs will commence document production after the parties agree on the scope of Facebook's requests.

**b. ADI:** The parties continued their meet and confer discussions regarding Plaintiffs' RFP 19, which seeks materials related to Facebook's ongoing App Developer Investigation—an investigation that Facebook began in March 2018 as part of Facebook's response to the episode involving Cambridge Analytica. The parties intend to continue these discussions over the coming weeks.

**c. Defining the Scope of the Remaining Issues:** As the parties and the Court discussed at the May 15 and May 29 conferences, the parties disagree regarding the scope of discovery, which affects the parties' ongoing negotiations regarding search terms and responsive materials. The parties agreed in their search term protocol that Facebook would identify to Plaintiffs by tomorrow, June 19, 2020, any discovery requests in Plaintiffs' First or Second Sets of Requests for Production of Documents that it categorically challenges as not relevant to the claims or defenses in this action. (Dkt. 455 at 3.)

The parties anticipate they may have disputes related to these issues to present to the Court and are prepared to discuss the process and timing for doing so tomorrow.

Dated: June 18, 2020

Respectfully submitted,

KELLER ROHRBACK L.L.P.

BLEICHMAR FONTI & AULD LLP

By: /s/ Derek W. Loeser  
Derek W. Loeser

By: /s/ Lesley E. Weaver  
Lesley E. Weaver

Derek W. Loeser (admitted *pro hac vice*)  
Lynn Lincoln Sarko (admitted *pro hac vice*)  
Gretchen Freeman Cappio (admitted *pro hac vice*)  
Cari Campen Laufenberg (admitted *pro hac vice*)  
David J. Ko (admitted *pro hac vice*)

Lesley E. Weaver (SBN 191305)  
Anne K. Davis (SBN 267909)  
Matthew P. Montgomery (SBN 180196)  
Angelica M. Ornelas (SBN 285929)  
Joshua D. Samra (SBN 313050)

Benjamin Gould (SBN 250630)  
Adele Daniel (admitted *pro hac vice*)  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
Tel.: (206) 623-1900  
Fax: (206) 623-3384  
dloeser@kellerrohrback.com  
lsarko@kellerrohrback.com  
gcappio@kellerrohrback.com  
claufenberg@kellerrohrback.com  
dko@kellerrohrback.com  
bgould@kellerrohrback.com  
adaniel@kellerrohrback.com

555 12th Street, Suite 1600  
Oakland, CA 94607  
Tel.: (415) 445-4003  
Fax: (415) 445-4020  
lweaver@bfalaw.com  
adavis@bfalaw.com  
mmontgomery@bfalaw.com  
aornelas@bfalaw.com  
jsamra@bfalaw.com

Christopher Springer (SBN 291180)  
801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
Tel.: (805) 456-1496  
Fax: (805) 456-1497  
cspringer@kellerrohrback.com

*Plaintiffs' Co-Lead Counsel*

GIBSON, DUNN, & CRUTCHER LLP

By: /s/ Orin Snyder  
Orin Snyder (*pro hac vice*)  
osnyder@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue  
New York, NY 10166-0193  
Telephone: 212.351.4000  
Facsimile: 212.351.4035

Deborah Stein (SBN 224570)  
dstein@gibsondunn.com  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: 213.229.7000  
Facsimile: 213.229.7520

Joshua S. Lipshutz (SBN 242557)  
jlipshutz@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306

Telephone: 202.955.8500  
Facsimile: 202.467.0539

Kristin A. Linsley (SBN 154148)  
klinsley@gibsondunn.com  
Martie Kutscher (SBN 302650)  
mkutscherclark@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
555 Mission Street, Suite 3000  
San Francisco, CA 94105-0921  
Telephone: 415.393.8200  
Facsimile: 415.393.8306

*Attorneys for Defendant Facebook, Inc.*

**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

I, Lesley E. Weaver, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.

Executed Thursday, June 18, 2020, at Oakland, California.

*s/ Lesley E. Weaver*  
Lesley E. Weaver

**CERTIFICATE OF SERVICE**

I, Lesley E. Weaver, hereby certify that on June 18, 2020, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

*s/ Lesley E. Weaver*

Lesley E. Weaver